# AMICUS BRIEF

## EDITORS' NOTE

What follows is an amicus brief for *Stenberg v. Carhart*, 530 U.S. 914 (2000). The Nebraska law at issue in *Stenberg* outlawed partial birth abortions, abortions in which the doctor partially delivers an unborn child before aborting it. The statute included an exception for partial birth abortions necessary to save the mother's life. Violation of the law was a felony, and the convicted doctor would lose his or her state license.

Dr. Leroy Carhart, a Nebraska physician who performed abortions, brought this lawsuit in Federal District Court on behalf of himself and his patients seeking a declaration that the statute violated the United States Constitution. He also sought an injunction forbidding its enforcement. The District Court found the statute unconstitutional in 1998, and the Eighth Circuit affirmed in 1999. By a five to four vote, the United States Supreme Court found the Nebraska statute unconstitutional because: (1) the statute did not contain an exception allowing for such abortions where the health of the mother is at risk; and (2) the statute placed an undue burden on a woman's right to an abortion.

Seventy-five feminist organizations compiled the following amicus brief. What follows is a discussion of the key issues of the case as they relate to women's rights, both to abortion and in general. We have kept this amicus brief in its original format, so what follows is very similar to what was submitted to the Court itself.